UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,415	09/29/2000	James M. Crawford JR.	020431.0742	9669

53184 7590 08/01/2012

Booth Udall, PLC
1155 W Rio Salado Parkway
Suite 101
Tempe, AZ 85281

EXAMINER
ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
3682	

NOTIFICATION DATE	DELIVERY MODE
08/01/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

steven@boothudall.com
hbarnes@boothudall.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES M. CRAWFORD, JR., LAMOTT G. OREN,
MICHAEL PAILAS, and BALAKRISHNAN VINOD

Appeal 2010-007743
Application 09/675,415
Technology Center 3600

Before: MURRIEL E. CRAWFORD, BIBHU R. MOHANTY, and
MICHAEL W. KIM, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants seek our review under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-43. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We reverse.

BACKGROUND

Appellants' invention is directed to a system and method for rendering content according to availability data for one or more items (Specification 1:2-4).

Claim 1 is illustrative:

> 1. A computer-implemented system for rendering content according to availability data for at least one item, comprising:
>
> a server configured to receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content;
>
> a rendering engine coupled with the server and configured to identify at least one rule within the user-requested content and concerning the item; and
>
> a rules engine coupled with the rendering engine and configured to:
>
> generate at least one availability request corresponding to the rule and concerning the item;
>
> receive availability data for the item;
>
> retrieve additional content according to the availability data for the item, the additional content being selected from among one or more stored content elements that concern the item; and

> communicate the additional content concerning the item to the rendering engine for incorporation in the user-requested content;
>
> the rendering engine further configured to render the user-requested content, including the additional content concerning the item;
>
> the server further configured to communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request.

Appellants appeal the following rejections:

Claims 1, 4, 5, 8-13, 15, 18, 19, 22-27, 29, 30, 33, 34, and 37-42 are rejected under 35 U.S.C. § 102(b) as anticipated by Cragun (US 5,774,868, iss. Jun. 30, 1998).

Claims 6, 7, 14, 20, 21, 28, 35, 36 and 43 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cragun.

Claims 2, 3, 16, 17, 31, and 32 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cragun and Linden (US 6,266,649 B1, iss. Jul. 24, 2001).

ANALYSIS

Initially, we note that the Appellants argue independent claims 1, 15, 29, and 30 together as a group. (App. Br. 13). Correspondingly, we select representative claim 1 to decide the appeal of these claims, with remaining claims 15, 29, and 30 standing or falling with claim 1. *See*, 37 C.F.R. § 41.37(c)(1)(vii).

We are persuaded of error on the part of the Examiner by Appellants' argument that Cragun's automated sales promotion selection system does

not disclose the claimed rules within the user-requested content concerning the item. Rep. Br. 3-4.

Claim 1 requires that a "rendering engine" (which we conclude is merely software) "identify at least one rule within the user-requested content and concerning the item." The Examiner indicates that the "content" and "item" of the claim are each the item requested to be purchased by a customer. (Ans. 7, 8, 9). Assuming the item to be purchased is the "user-requested content," we find no teaching in Cragun that this to-be-purchased item contains any "rule" that corresponds to an availability request generated, as recited by the claim.

In contrast, Appellants infer that the "rendering engine" is the printer/output device of Cragun. (Rep. Br. 6, App. Br. 14, 16). Therefore, assuming the "requested content" is the printed, employee-or-customer-requested purchase receipt/invoice (column 4 lines 3-22), Cragun teaches that an availability request is generated to retrieve availability data that includes inventory information used to retrieve additional content (column 17 lines 39-54), and that the additional content is communicated as a purchase suggestion or coupon along with the purchase receipt or invoice (column 4 lines 18-22). However, Cragun does not teach that the purchase receipt/invoice contains a "rule within the user-requested content" that is used in the disclosed process, to request availability data and retrieve additional content.

Therefore, either based on the user-requested content being the item to be purchased, or being the sales receipt/invoice, Cragun does not disclose that item/content/receipt contain a rule that is identified and used for generating an availability request to retrieve additional content. Based on

this, we cannot sustain the rejection under 35 U.S.C. § 102(b) over Cragun, because Cragun does not disclose all the elements of the claim, since neither form of content contains a rule used to request availability data. We therefore reverse the rejection of independent claims 1, 15, 29, and 30, as well as dependent claims 2-14, 16-28, and 31-43.

DECISION

We reverse the rejection of claims 1, 4, 5, 8-13, 15, 18, 19, 22-27, 29, 30, 33, 34, and 37-42 under 35 U.S.C. § 102(b), claims 6, 7, 14, 20, 21, 28, 35, 36 and 43 under 35 U.S.C. § 103(a) over Cragun, and claims 2, 3, 16, 17, 31, and 32 under 35 U.S.C. § 103(a) over Cragun and Linden.

REVERSED

MP